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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/738,248	12/15/2000	Theodore Jack London Shrader	AUS920000832US1	2752

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Darcell Walker
8107 Carvel Lane
Houston, TX 77036

EXAMINER

JEANTY, ROMAIN

ART UNIT PAPER NUMBER

3623

DATE MAILED: 10/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/738,248

Applicant(s)

LONDON SHRADER ET AL. *SR*

Examiner

Romain Jeanty

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 25 and 26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Claims 25-26 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected of Group II, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on July 30, 2004.

Claim Objections

2. Claim 7 is objected to because of the following informalities: A "." is missing at the end of the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 6, 12, 15-16, and 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 6 recites the limitation "the appropriate database", and "the identified election". It is unclear as to what database and election applicant is referring. There is insufficient antecedent basis for these limitations in the claim.

Claim 12 recites the limitation "for the election". It is unclear as to what election applicant is referring. There is insufficient antecedent basis for these limitations in the claim.

Claim 15 recites the limitation "the election". It is unclear as to what election applicant is referring. There is insufficient antecedent basis for these limitations in the claim.

Claim 16 recites the limitation "the architecture". It is unclear as to what architecture applicant is referring. There is insufficient antecedent basis for these limitations in the claim.

Claim 23 recites the limitation "to the source". It is unclear as to what source applicant is referring. There is insufficient antecedent basis for these limitations in the claim.

Claim 23 further recites the term "for crating". This term renders the claim vague and indefinite. It is unclear as to what applicant means by the word crating.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 9-17, 22-24 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Challenger et al "Challenger" (U.S. Patent No. 6,081,793).

As per claims 1, 9-14, and 16, Challenger discloses a voting system comprising:

a server requesting a voting ballot through a voting entity process using a public key and a private key of the voting entity (validating said voting ballot request by a voting mediator, using a separate public key and private key of the voting mediator; generating an electronic ballot by the voting mediator (col. 3, lines10-29); sending the generated ballot to said voting

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entity; receiving a vote in said electronic ballot by said voting entity and sending said electronic ballot to a voting tabulator; and counting the vote electronic ballot in the voting tabulator (col. 3, lines 55-60).

Claim 15 is a system claim for implementing the method steps of claim 1. Therefore, claim 15 is rejected under the same rationale as claim 1. In addition, Challenger teaches a global computer network. Note figure 1C.

Claim 17 is a computer program product in a computer readable medium for implementing the method steps of claim 1. Therefore, claim 15 is rejected under the same rationale as claim 1. In addition, Challenger teaches a global computer network. Note figure 1C

Claims 22-24 are computer program product in a computer readable medium for implementing the method steps of claim 1. Therefore, claim 22 is rejected under the same rationale as claim 1. In addition, Challenger teaches a global computer network. Note figure 1C

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2, 5, 7-8, 18, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Challenger (U.S. Patent No. 6,081,793) in view of Kilian et al (U.S. Patent No. 5,495,532).

As per claims 2, 5, 7-8, 18, 21, Challenger discloses all of the limitations in claim 1 above, but fails to explicitly disclose obtaining a voting certificate from the voting mediator. Kilian in

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the same of endeavor, discloses a secure voting system which teaches obtaining a voting certificate and authenticating using a key (col. 11, lines 3-14). It would have been obvious to a person of ordinary skill in the art to modify the disclosures of Challener to include the teachings of Kilian. A person having ordinary skill in the art would have been motivated to use such a modification in order to permit authentication of multiple ballots efficiently. Furthermore, extracting the voting mediator's public key from the voting certificate, encrypting the ballot request with the voting mediator's public key would have been obvious to a person of ordinary skill in the art in order to permit authentication of the ballot efficiently.

9. Claim 3, 4, 6, and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Challener (U.S. Patent No. 6,081,793) in view of Kilian et al (U.S. Patent No. 5,495,532) and further in view of Witt et al "Witt" U.S. Patent No. 6,144,739).

As per claims 3, 4, 19-20, Challener discloses the idea of encrypting a package (col.10, lines 33-44). However, the combination of Challener and Kilian fails to teach the packaging of the ballot request in a sealed object. Witt in the same field of endeavor, teaches the concept of a packaged sealed object (See abstract and col. 3 line 25 through col. 5 line 28). It would have been obvious to a person of ordinary skill in the art to modify the disclosures of Challener, Kilian to incorporate the packaging sealed object of Witt with the motivation to protect the vote from unauthorized modification.

As per claim 6, the combination of Challener and Kilian fails to disclose checking the signing certificate information against an appropriate database, and determining whether said voting entity has previously voted in the identified election. However, it would have been

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obvious to a person of ordinary skill in the art to incorporate this feature in Challenger's voting system and Kilian's disclosures in order to prevent a voter from voting more than once.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Romain Jeanty whose telephone number is (703) 308-9585. The examiner can normally be reached on Mon-Thurs 7:30 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R Hafiz can be reached on (703) 305-9643. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RJ

10/18/04


ROMAIN JEANTY
PRIMARY EXAMINER
Art Unit 3623